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09/759,475	01/12/2001	James E. McGarvey	80606PRC	1736

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EXAMINER

LONG, HEATHER R

ART UNIT	PAPER NUMBER
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2615

DATE MAILED: 04/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/759,475

Applicant(s)

MCGARVEY, JAMES E.

Examiner

Heather R Long

Art Unit

2615

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 12 January 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 January 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 4.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "20" has been used to designate both the display memory and the color LCD.
2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: reference signs "60" and "74", which are found on page 6, lines 4 and 11.
3. The drawings are objected to because the revised drawing of Fig.5k does not correspond to the specification. The specification corresponds the original Fig. 5k drawing.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application: The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 3, 15-16, 22-24, 26, 29-32 are rejected under 35 U.S.C. 102(b) as being anticipated by Thorpe et al. ("The All-Digital Camcorder – The Arrival of Electronic Cinematography").

Regarding claim **1**, Thorpe et al. discloses a white balance picture correction process, comprising the steps of: determining a white balance digital camera processing setting for a picture taking venue at a visit to the venue; saving the setting for the venue; and correcting pictures taken at a subsequent visit to the venue with the saved setting (page 23: col. 1, lines 20-24 and 32-36; page 24: col. 2, line 7 – col. 3, line 11; Table 5).

Regarding claim **3**, Thorpe et al. discloses a white balance correction process, wherein the saving step comprises assigning an identifier to the setting (page 24: col. 2, lines 2-6).

Regarding claim **15**, Thorpe et al. discloses a process, comprising the steps of: determining an image processing setting for a picture taking venue; and saving the setting for the venue (page 23: col. 1, lines 21-25).

Regarding claim **16**, Thorpe et al. discloses a process, wherein the setting comprises a white balance setting (page 23: col. 1, lines 33-38; Table 5).

Regarding claim **22**, Thorpe et al. discloses an apparatus, comprising: a system obtaining a white balance setting for a venue; and a storage storing the white balance setting for the venue (page 23: col. 1, lines 21-25).

Regarding claim **23**, Thorpe et al. discloses an apparatus, wherein the system comprises a digital camera (page 13: col. 1, lines 1-7).

Regarding claim **24**, Thorpe et al. discloses an apparatus, wherein the digital camera corrects pictures taken using the setting (page 24: col. 1, line 7 – col. 2, line 6).

Regarding claim **26**, Thorpe et al. discloses an apparatus, wherein the storage comprises a removable, non-volatile memory (page 23: col. 1, lines 21-24).

Regarding claim **29**, Thorpe et al. discloses a digital still camera, comprising: a sensor capturing images; a lens for imaging light onto the sensor; a white balance determination processing unit determining white balance correction values from a captured images; a memory storing a plurality of white balance correction values; a selector choosing one of the plurality of white balance correction values; and a white balance correction processing unit applying a selected one of the white balance correction values to a plurality of captured images producing white balance correcting images (page 23: col. 1, lines 20-24 and 32-36; page 24: col. 1, line 7 – col. 3, line 11; Table 5).

Regarding claim **30**, Thorpe et al. discloses a camera, wherein the memory comprises a non-volatile removable memory card that can be used to transfer correction values to other devices (page 23: col. 1, line 39 – col. 2, line 4).

Regarding claim **31**, Thorpe et al. discloses a camera, wherein the camera comprises a user interface for naming the plurality of white balance correction

values and for selecting from among a plurality of named white balance correction values (page 23: col. 1, lines 10-16).

Regarding claim **32**, Thorpe et al. discloses a digital still camera, comprising: a sensor capturing images; a lens for imaging light onto the sensor; a memory storing a plurality of white balance correction values; a selector operable by a user in choosing one of the plurality of white balance correction values; and a white balance correction processing unit applying a selected one of the white balance correction values to a plurality of captured images producing white balance correcting images (page 23: col. 1, lines 20-24 and 32-36; page 24: col. 1, line 7 – col. 3, line 11; Table 5).

6. Claims 1, 3-6, 12-13, 15-20, 22-24, 26-32 are rejected under 35 U.S.C. 102(b) as being anticipated by Steinberg et al. (U.S. Patent 6,006,039).

Regarding claim **1**, Steinberg et al. discloses a white balance picture correction process, comprising the steps of: determining a white balance digital camera processing setting for a picture taken venue at a visit to the venue; saving the setting for venue; and correcting pictures taken at a subsequent visit to the venue with the saved setting (col. 2, lines 64-67; col. 4, lines 38-44).

Regarding claim **3**, Steinberg et al. discloses a white balance picture correction process, wherein the saving step comprises assigning an identifier to the setting (col. 6, lines 6-25).

Regarding claim **4**, Steinberg et al. discloses a white balance picture correction process, wherein the identifier comprises a file name (col. 6, lines 6-25).

Regarding claim **5**, Steinberg et al. discloses a process, comprising the steps of: determining a white balance digital camera processing setting for a picture taking venue at a visit thereto; saving the setting for the venue in a file using a file name; and correcting pictures taken at a subsequent visit to the venue with the saved setting (col. 2, lines 64-67; col. 4, lines 38-44; col. 6, lines 6-25).

Regarding claim **6**, Steinberg et al. discloses a process, wherein the saving step comprises storing the setting in a removable, non-volatile memory (col. 3, lines 36-39).

Regarding claim **12**, Steinberg et al. discloses a process, wherein the setting further comprises an image sharpness setting, a contrast setting, and a colorfulness setting (col. 2, lines 56-59; col. 4, lines 38-44).

Regarding claim **13**, Steinberg et al. discloses a process, wherein the setting further comprises a color correction matrix (col. 2, lines 56-59; col. 4, lines 38-44).

Regarding claim **15**, Steinberg et al. discloses a process, comprising the steps of: determining an image processing setting for a picture taking venue; and saving the setting for the venue (col. 2, lines 18-46).

Regarding claim **16**, Steinberg et al. discloses a process, wherein the setting comprises a white balance setting (col. 2, lines 56-59; col. 4, lines 38-44).

Regarding claims **17-19**, grounds for rejecting claim 12 apply for claims 17-19 in their entirety.

Regarding claim **20**, grounds for rejecting claims 12 and 16 apply for claim 20 in its entirety.

Regarding claim **22**, Steinberg et al. discloses an apparatus, comprising: a system obtaining a white balance setting for a venue; and a storage storing the white balance setting for the venue (col. 2, lines 64-67; col. 3, lines 36-39; col. 4, lines 38-44; col. 6, lines 6-25).

Regarding claim **23**, Steinberg et al. discloses in Fig. 1 an apparatus, wherein the system comprises a digital camera.

Regarding claim **24**, Steinberg et al. discloses an apparatus, wherein the digital camera corrects pictures taken using the setting (col. 2, lines 39-47).

Regarding claim **26**, Steinberg et al. discloses an apparatus, wherein the storage comprises a removable, non-volatile memory (col. 3, lines 36-39).

Regarding claim **27**, Steinberg et al. discloses a computer readable storage controlling a computer controlled digital camera via a white balance setting and a file name corresponding to the white balance setting (col. 2, lines 56-59; col. 3, lines 36-44; col. 4, lines 38-44; col. 6, lines 6-25).

Regarding claim **28**, Steinberg et al. discloses a digital still camera, comprising: a sensor capturing images in an initial visit to a venue and a



subsequent visit to the venue; a lens for imaging light onto the sensor; a white balance determination processing unit determining a white balance correction value from a captured image of the initial visit; a memory storing the white balance correction value from the initial visit; and a white balance correction processing unit applying the white balance correction value to the captured image of the subsequent visit producing a white balance correcting image (col. 2, lines 56-59 and 64-67; col. 4, lines 38-44; col. 6, lines 6-25).

Regarding claim **29**, Steinberg et al. discloses a digital still camera, comprising: a sensor capturing images; a lens for imaging light onto the sensor; a white balance determination processing unit determining white balance correction values from a captured images; a memory storing a plurality of white balance correction values; a selector choosing one of the plurality of white balance correction values; and a white balance correction processing unit applying a selected one of the white balance correction values to a plurality of captured images producing white balance correcting images (col. 2, lines 56-59 and 64-67; col. 4, lines 38-44; col. 6, lines 6-25).

Regarding claim **30**, Steinberg et al. discloses a camera, wherein the memory comprises a non-volatile removable memory card that can be used to transfer correction values to other devices (col. 2, lines 64-67).

Regarding claim **31**, Steinberg et al. discloses a camera, wherein the camera comprises a user interface for naming the plurality of white balance

correction values and for selecting from among a plurality of named white balance correction values (col. 3, lines 49-52).

Regarding claim **32**, Steinberg et al. discloses a digital still camera, comprising: a sensor capturing images; a lens for imaging light onto the sensor; a memory storing a plurality of white balance correction values; a selector operable by a user in choosing one of the plurality of white balance correction values; and a white balance correction processing unit applying a selected one of the white balance correction values to a plurality of captured images producing white balance correcting images (col. 2, lines 56-59 and 64-67; col. 4, lines 38-44; col. 6, lines 6-25).

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Steinberg et al. as applied to claim 1 above, and further in view of D'Luna et al. (U.S. Patent 5,008,739).

Regarding claim **2**, Steinberg et al. differs from claim 2 in that the claim further requires the determining step to use a white balance reference card in a scene of the venue.

Referring to the D'Luna et al. reference, D'Luna et al. discloses a determining step in white balance processing that uses a white balance reference card in a scene of the venue (col. 5, lines 44-47).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the teachings of D'Luna et al. with Steinberg et al. because it is well known in the art to use a white reference card for a white balancing process.

9. Claims 7-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Steinberg et al. as applied to claim 5 above, and further in view of Thorpe et al. ("The All-Digital Camcorder – The Arrival of Electronic Cinematography").

Regarding claim 7, Steinberg et al. differs from claim 7 in that the claim requires the determining step in the process to be performed in a digital camera.

Referring to the Thorpe et al. reference, Thorpe et al. discloses a process, wherein the determining step is performed in a digital camera (page 23: col. 1, lines 24-25).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the teachings of Thorpe et al. with Steinberg et al. because it is well known in the art that parameters and settings can be determined in the digital camera or from an external device.

Regarding claim 8, Steinberg et al. discloses a process, wherein the correcting step is performed in a digital camera (col. 2, lines 39-47). Thorpe et

al. also discloses a process, wherein the correcting step is performed in a digital camera (page 24: col. 1, line 7 – col. 2, line 6).

Regarding claim **9**, Steinberg et al. discloses a process, wherein the correcting step is performed contemporaneous with taking of the pictures at the venue (col. 2, lines 39-47). Thorpe et al. also discloses a process, wherein the correcting step is performed in a digital camera (page 24: col. 1, line 7 – col. 2, line 6).

Regarding claim **10**, Thorpe et al. discloses a process, wherein settings are saved for plural venues (page 24: col. 1, line 7 – col. 2, line 6).

Regarding claim **11**, Thorpe et al. discloses a process, wherein the correcting step is performed for subsequent visits to the venues (page 24: col. 1, line 7 – col. 3, line 5).

10. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Steinberg et al. (U.S. Patent 6,006,039) in view of D'Luna et al. (U.S. Patent 5,008,739).

Regarding claim **14**, Steinberg et al. discloses a process, comprising the steps of: determining a white balance digital camera processing setting for a picture taking venue at a visit thereto; saving the setting for the venue; and correcting pictures taken at a subsequent visit to the venue with the saved setting (col. 2, lines 64-67; col. 4, lines 38-44; col. 6, lines 6-25). However, Steinberg et al. fails to disclose using a white balance reference card positioned in a venue scene when determining a white balance setting.

Referring to the D'Luna et al. reference, D'Luna et al. discloses a determining step in white balance processing that uses a white balance reference card in a scene of the venue (col. 5, lines 44-47).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the teachings of D'Luna et al. with Steinberg et al. because it is well known in the art to use a white reference card for a white balancing process.

11. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Steinberg et al. (U.S. Patent 6,006,039) in view of Thorpe et al. ("The All-Digital Camcorder – The Arrival of Electronic Cinematography").

Regarding claim **21**, Steinberg et al. discloses a process, comprising the steps of: determining image processing settings for picture taking venues during initial visits to the venues using a reference card placed in a scene at the venues; assigning a file name identifiers to the settings; saving the settings in a removable non-volatile memory using the file name identifiers where the setting comprises an image white balance setting, an image sharpness setting, a contrast setting and a colorfulness setting; and correcting pictures taken at the venues in subsequent visits to the venues, in a digital camera, with the saved settings contemporaneous with taking of the pictures at the venue (col. 2, lines 39-47 and 64-67; col. 3, lines 36-39; col. 4, lines 38-44; col. 6, lines 6-25). However, Steinberg et al. fails to disclose that the image process settings are determined in the camera.

Referring to the Thorpe et al. reference, Thorpe et al. disclose a process, wherein the determining step is performed in a digital camera (page 23: col. 1, lines 24-25).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the teachings of Thorpe et al. with Steinberg et al. because it is well known in the art that parameters and settings can be determined in the digital camera or from an external device.

12. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Steinberg et al. as applied to claim 22 above, and further in view of D'Luna et al. (U.S. Patent 5,008,739).

Regarding claim **25**, claim 25 differs from Steinberg et al. in that claim 25 further requires an apparatus wherein the digital camera obtains the white balance setting by capturing an image including a white balance reference and determines the white balance setting.

Referring to the D'Luna et al. reference, D'Luna et al. discloses a digital camera that obtains the white balance setting by capturing an image including a white balance reference and determines the white balance setting (col. 5, lines 44-47).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the teachings of D'Luna et al. with Steinberg et al. because it is well known in the art to use a white reference card for a white balancing process.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Heather R Long whose telephone number is 703-305-0681. The examiner can normally be reached on Mon. - Thurs: 7:00 am - 4:30 pm, and every other Fri.: 7:00 am - 3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Christensen can be reached on (703) 308-9644. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HRL  
April 14, 2004

  
NGOC-YEN VU  
PRIMARY EXAMINER